IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Rampratap Vs. State of Rajasthan

S.B.CR.MISC. PETITION NO.1070/2005

DATE OF ORDER :: November 23, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.S.S.Dhillon, for the petitioner.
Mr.Ashok Upadhyaya, P.P.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has challenged the order dt. 02.8.2005 passed by the Additional Chief Judicial Magistrate, Sangaria, Distt. Hanumangarh (for short 'the trial court' hereinafter), whereby the trial court sent the matter for further investigation to the S.H.O., Police Station, Sangaria with a direction to file the result of the investigation within a month.

I have heard learned counsel for the petitioner and the

Public Prosecutor. Carefully gone through the order impugned as also the material available on record.

It is contended by the learned counsel for the petitioner that after investigation, the police has filed the negative final report twice, yet the trial court has sent the matter to the police for further investigation.

Section 173(8) Cr.P.C. empowers the police to further investigate the matter and, therefore, on filing the negative final report, it is for the trial Magistrate either to accept or to send for further investigation or reject or to take the cognizance and, therefore, the order impugned cannot be said to be erroneous in any manner.

In the circumstances, therefore, I do not find any merit in the petition. The petition is, therefore, dismissed. Stay petition also stands dismissed.

[H.R.PANWAR],J.

m.asif/-